

Appin. No. 10/055,792

Attorney Docket No. 10541-1074

**II. Remarks**

Reconsideration and re-examination of this application in view of the above amendments and the following remarks is herein respectfully requested.

Claims 1 and 9 have been amended. Claims 13-16 have been added. Accordingly, claims 1-3, 5, and 9-16 remain pending.

***Allowable Subject Matter***

Claims 2, 3 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Claim Rejections - 35 U.S.C. §103(a)***

Claims 1, 5, 9, and 12 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,179,145 to Roth, in view of WO 00/56564 to Walter with U.S. Patent No. 6,606,980 as the English equivalent.

Roth teaches a reservoir that is unitarily molded with the wall of the tank. Therefore, the Examiner is relying on Walter to provide a non-integral reservoir unit. In Walter, the reservoir is assembled within the tank from a plurality of individual portions each of which is separately inserted through the tank opening. (Col. 3, Ln. 66 - Col. 4, Ln. 17) Walter only contemplates a blow molded or presealed tank, evidenced in that Walters defines that each of the modules of the reservoir "must be so dimensioned that it can be passed through the opening 17 in the tank wall 16." (Col. 4, Ln. 12-14).

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Claim 1 provides for "sealingly connecting said first and second shell portions to form a fuel tank to enclose said reservoir unit within said fuel tank *after fastening said reservoir unit to one of said first and second shell portions.*" The combined features of this claim are not suggested or motivated by the references for several reasons.

First, Walter teaches a blow molded tank assembly, not a tank assembly with a first and second shell portion. With such a construction, it is imperative that the various components of the reservoir be dimensions so as to fit within the opening provided within the tank and thereafter assembled together. However, even reading the first and second shell portion from the Roth reference into Walter, there is no teaching to fasten the reservoir unit to one of the shell portions prior to sealing the first and second shell portions. To the contrary, in Roth the reservoir is unitary with the bottom wall of the tank and in Walter each of the modules of the reservoir unit is connected to each other inside the tank after it is already sealed. Even then, the reservoir unit of Walter is located by, but never fastened to, the shell.

With respect to claim 9, the limitation of "said reservoir unit being fastened to at least one of said thermoformed shell portions" is provided. While Walter teaches a member extending from the wall of the fuel tank to locate the reservoir unit, Walters does not teach fastening the reservoir unit to the thermoformed shell. (Col. 4, Ln. 24-29) Therefore, Walters does not teach or suggest the present invention as provided in claim 9.

Claims 5 and 12 are dependent directly from claims 1 and 9 respectively, and are therefore patentable for at least the reasons given above in support of claims 1



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and 9. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 1, 5, 9, and 12.

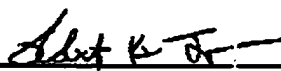
Claim 10 is rejected under 35 U.S.C. §103(a) as being unpatentable over Roth in view of Walter as applied to claim 9 above, and further in view of U.S. Patent 6,012,904 to Tuckey (Tuckey). Claim 10 depends directly from claim 9 and is therefore patentable for at least the reasons given above in support of claim 9. Accordingly, Applicants respectfully request withdrawal of the rejection of claim 10.

**Conclusion**

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is respectfully requested.

Respectfully submitted by,

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